

Applicant : Rostoker et al.  
Appl. No. : 10/799530  
Examiner : To be assigned  
Docket No. : 703538.4039

## REMARKS

In the Office Action, examiner allowed claims 3-20, rejected claims 21 and 25, and objected to claims 1, 22-24 and 26-44. Applicants have amended claims 1, 22 and 25 and cancelled claim 21 without prejudice. Applicants submit that the foregoing amendments add no new matter and request reconsideration and withdrawal of the examiners rejections and objections.

### Claim Objections

The examiner objected to claim 1 regarding the term “poloidal” as used in the phrase “poloidal second magnetic field.” Applicants have deleted the term “poloidal” from claim 1.

The examiner objected to claim 25 arguing there is no antecedent basis to the phrase “the reactor chamber.” Applicants have amended claim 25 to depend from claim 22. Accordingly, Applicants submit that the foregoing claim amendments overcome the examiners claim objections.

### Claim Rejections – Provisional Double Patenting

The examiner provisionally rejected claim 21 under the judicially created doctrine of double patenting over claim 1 or 54 of copending Application No. 10/328,701. As noted above, claim 21 has been cancelled without prejudice. Thus, the examiner’s provisional double patenting rejection of claim 21 is now moot as a result.

Applicant : Rostoker et al.  
Appl. No. : 10/799530  
Examiner : To be assigned  
Docket No. : 703538.4039

### Claim Rejections – 35 USC 102

The examiner has rejected claims 21 and 25 under 35 USC 102(b) as being anticipated by Bussard USPN 5,160,695. Without acquiescing to the examiner's rejection, Applicants have cancelled claim 21 without prejudice to allow the subject application proceed to issuance. Applicants intend to submit claim 21 in a continuation application.

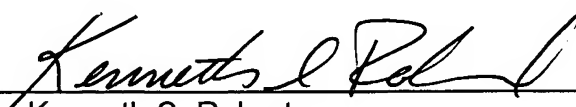
Applicants have amended claim 25 to depend from objected to, but allowable, claim 22, which has been amended by writing it in independent form including all limitations of its base claim 21. Accordingly, Applicants submit that claim 25 meets the requirements for patentability under 35 USC 102(b).

### **CONCLUSION**

Applicants submit that the subject application is in condition for allowance. Should minor matters persist, the examiner is invited to contact the undersigned at (949) 567-6700.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: March 31, 2005

By:   
Kenneth S. Roberts  
Reg. No. 38,283

Orrick, Herrington & Sutcliffe LLP  
4 Park Plaza, Suite 1600  
Irvine, CA 92614-2558  
Tel. 949-567-6700  
Fax: 949-567-6710  
Customer Number: 34313